



*John T. Auberger*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**APRIL 6, 2010**

### **General Information:**

**Work Session: 6:30 pm.**

**Meeting: 7:00 pm.**

### **Roll Call:**

**Albert F. Meilutis, Chairman**

**Randy T. Jensen**

**William F. Murphy**

**John J. Riley**

**Christopher A. Schiano, Deputy Town Attorney**

**Ivana Frankenberger, Planning Assistant**

**Mary Jo Santoli, Secretary to the Zoning Board**

### **Absent:**

**Diana Christodaro**

### **Pledge of Allegiance**

**Additions/Deletions to the Agenda**

**Announcements:**

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**OLD BUSINESS:** None

**NEW BUSINESS:**

- 1. Applicant:** Nicole King  
**Location:** 1234 Britton Road  
**Mon. Co. Tax No.:** 060.46-2-38  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed 4.0 ft. high, closed-construction fence (approximately 85.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction. Sec. 211-46 L

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1234 Britton Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Nicole King, 1234 Britton Road, Ms. King appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 4.0 ft. high, closed-construction fence (approximately 85.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction.

WHEREAS, Ms. King testified before us this evening that she has lived at the property since June of 2009 and the reason for the fence is that Britton Road and Mount Read Boulevard are very heavy traffic areas and she is looking for security and safety for her two children, ages 7 and 13. By having the fence there it would make that a safer type of atmosphere for her children. The fence will be made out of wood and she is unsure at this time who will be doing the work. I asked the applicant if this could be done by some other means and she stated "No." There are sidewalks on Britton Road and she will stay out of the right-of way area. There is a white picket fence on the east side of her property and she does not know who owns it. She was also asked if she would sign a "Hold Harmless" holding the Town not responsible for any damage that may occur while plowing snow, and she agreed to that. The applicant was also asked if there would be some visibility situations or visibility problems by pulling out of her driveway onto Britton Road and the applicant stated, "No." There is a bush along side the most eastern property line at which is there now and they use extreme caution when pulling out of the driveway.

WHEREAS, Mr. Chairman, an undesirable effect will not be produced in the character of the neighborhood nor will it be a detriment to the nearby properties should this variance be granted. The benefit sought by this applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is substantial and this proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve the application with the following conditions:

1. That the applicant signs a Hold Harmless agreement with the Town.
2. And that approval is for the life of the fence.
3. And that the location of the fence shall be as depicted on the instrument survey provided, being a minimum of 5 ft. north of the Britton Road right-of-way.

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**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 2. Applicant:** Mark and Bridget Campbell  
**Location:** 36 Dutchman's Hollow  
**Mon. Co. Tax No.:** 045.01-3-67  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** A Special Use Permit for a proposed in-law apartment. Sec. 211-11 C (2)(e)

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 36 Dutchman's Hollow, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.

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10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Mark and Bridget Campbell, 36 Dutchman's Hollow, Bridget Campbell appeared before the Board this evening, requesting a Special Use Permit for a proposed in-law apartment.

WHEREAS, the applicant said that her mother is aging and would like to downsize the home that she is in now into a much smaller unit and they would like to add an addition to their home to allow her to move in. She did testify that the exterior of the addition will match the existing house. It will be a one-story addition to the home that they purchased back in 2002 and that all the conditions of a special use permit for an in-law apartment approval have been met. With the common entrance, it would their intent to use it for themselves. The applicant testified that she understands the living quarters cannot be leased out in the event that her mother moves out; it reverts to the use of the homeowner that's there.

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WHEREAS, on the main motion, summarizing the findings of fact that the applicant has lived there since 2002 and wants to provide living quarters for her mother and the applicant does understand all the conditions associated with it, to include that it becomes part of the main residence of the home and that this is not a leasable property, nor does it transfer with the sale of the home as an in-law apartment. This is a single-family residential home that a special use permit is being considered for just that, for the current owners of the property.

WHEREAS, having just summarized all that findings of fact, I am going to move for the approval of the Special Use Permit for this location with the understanding that it is only for your exclusive use and it is not transferable to future owners of the house or to other parties outside of your parents.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Condition**

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- 3. Applicant:** Shawn Cropo  
**Location:** 243 Malden Street  
**Mon. Co. Tax No.:** 090.05-1-2  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed aboveground pool (18 ft. round) to be located a distance of 3.0 ft. from an existing detached garage, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)

**Mr. Murphy offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 243 Malden Street, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Shawn Cropo, 243 Malden Street, Mr. Cropo appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed aboveground pool (18 ft. round) to be located a distance of 3.0 ft. from an existing detached garage, instead of the 10.0 ft. minimum required.



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WHEREAS, Mr. Cropo has lived at the address for approximately thirteen years, he moved there in 1997. He is putting a pool in and the reason he has picked this position in the rear yard is due to the power lines that run at the rear of the property into the east side of the property, and he has to position it at a distance of ten feet away or greater and this is the best position for the 18 ft. round pool. He stated that there is no other place for the pool in his back yard. It is the smallest-size pool and he stated that at this time that there would not be any decking; but if there was decking, then it would be placed right on the ground level and it would not be next to the garage. There will be a lock on the stepladder and he has also agreed to sign a "Hold Harmless" agreement with the Town of Greece. As far as the safety of the persons using the pool, he has fencing from the rear and the sides. Safety of the children: there is fencing and two locked gates; the fencing is eight feet in the rear and four feet on the sides. The safety of the structure and the intended use: it is a new pool and the water would be 47 inches high. The potential for flooding would flood away from neighboring properties.

WHEREAS, it is my opinion that granting the above-mentioned variance will not produce an undesirable change in the character of the neighborhood nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue; they have very limited space to place the pool. The requested area variance is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty, however, I feel is self-created by getting the pool. There is no other place to put the pool in the rear yard, which consideration is relevant to the decisions of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve the application with the following conditions:

1. That the applicant signs a Hold Harmless agreement with the Town.
2. And that is approval is for the life of the pool.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 4. Applicant:** J.C. Fibers Rochester, Inc.  
**Location:** 1779 – 1801 Mount Read Boulevard  
**Mon. Co. Tax No.:** 090.03-1-2.1 (Town of Greece), 090.62-1-1.1 (City of Rochester)  
**Zoning District:** IG (General Industrial)  
**Request:** An area variance for the proposed outdoor storage of materials in six (6) trailers, where such storage is not entirely screened from public view. Sec. 211-18 B (2) (c)

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1779-1801 Mount Read Boulevard, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (7) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of J.C. Fibers Rochester, Inc., 1779-1801 Mount Read Boulevard, Michael Braun from Passero Associates, appeared before the Board of Zoning Appeals this evening requesting an area variance for the proposed outdoor storage of materials in six (6) trailers, where such storage is not entirely screened from public view.

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WHEREAS, the applicant has indicated that the business has grown and they have been working with the Town over the last several months to come up with a better way to store the materials and get perhaps the shredded plastic and paper out of the building and in doing so they have come up with a solution of putting them into storage trailers. The applicant testified that the storage trailers probably number four, but they are asking for up to as many as six of these trailers. As part of the application this evening, we did receive comments from the City of Rochester and they are supportive of the application being proposed. Further, there was as part of the documentation we received, a letter from Passero Associates dated March 3<sup>rd</sup> where they talked about certain recommendations from the Fire Marshal and a sign of "plastic materials" be located on the trailers. There was considerable discussion about how and what types of signage and where they should be placed, but the intent of the Fire Marshal was to make sure that firefighters are duly put on notice of what's in those trailers, so the method will be worked out between the Fire Marshal and the applicant in this case. This particular site is located generally in an industrial area and has been used primarily in an industrial setting where trailers either in the past have been in or out or certainly nearby properties have trailers going to and from it. The applicant testified that the site is secured with fencing and a gate blocked off so that after hours people can't readily get to the materials. Further, the applicant stated that these types of materials that would be stored in here would be of paper and plastic nature and that the trailers are fully enclosed and they would not be on-site for more than one week and would in fact be limited to six trailers total for storage. The applicant is also before Town Board for additional approvals of other types of recyclables that they would like to process through the building. There was considerable discussion about the necessary permit required from the Town Board. For that, the applicant was aware that they were appearing before it, but did not necessarily think that this application tied into that; however, after much discussion it was determined that this is in fact part of the approval process that the Town Board would be considering in their construction material recycling plan.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I am going to move to approve this application with the following conditions:

1. That the applicant must obtain the necessary approvals from the Town Board for the expanded operations.
2. That the applicant work with the Town Fire Marshal to provide adequate signage in an acceptable manner to the Fire Marshal the types of materials that will be stored in the vehicles out on the lot.
3. That the limit of number of trailers will be limited to not more than six trailers.
4. That after hours the trailers will be moved and stored at a different location on the property away from the building, as demonstrated on the site plan that was presented as part of the application; that is, the Special Use Permit Site Map dated February 2010.

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**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 5. Applicant:** James Inzinga  
**Location:** 750 Lee Road  
**Mon. Co. Tax No.:** 087.83-1-17.1  
**Zoning District:** IG (General Industrial)  
**Request:** A special use permit for a motor vehicle service station (collision shop and towing operation). Sec. 211-18 B(3)(b)[1]

**Mr. Riley offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 750 Lee Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.

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10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Riley then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of James Inzinga for 750 Lee Road, Mr. Inzinga, appeared before the Board this evening requesting a special use permit for a motor vehicle service station (collision shop and towing operation).

WHEREAS, on the main motion, the applicant, James Inzinga, appeared before this board tonight and provided the following testimony:

WHEREAS, he is requesting a special use permit for a motor vehicle service station (specifically, collision shop and towing operation) at the site of 750 Lee Road, which is the same site the applicant had previously worked out of, for the exact same business since approximately 1979 and up till 2005 when he sold the parcel. Mr. Inzinga recently repurchased the parcel and the name of the proposed establishment will be Cristo Collision West, LLC.

This particular site has been vacant since the applicant left the premises and now due to a potential towing contract with the Town of Greece, the applicant needs to relocate

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to a site within the town boundaries and in his search, came across the same site of his previous business.

Operations of the site shall consist of: the housing of automotive parts, restoration of vehicles that have been involved in collisions, and also a towing site for cars that are towed due to motor vehicle accidents and/or police type investigations. Mr. Inzinga testified that damaged vehicles are stored away from any drainage areas within the storage lot and that his tow drivers are aware of mitigation procedures regarding the spill of any type of vehicle fluids.

The hours of operation for the business shall be as follows: Mondays through Fridays, from 8:00 a.m. to 6:00 p.m.; Saturdays from 9:00 a.m. to 3:00 p.m.; and Sundays there will be no hours. The towing operation portion of the business will have trucks from time to time operating in and out of the business area during all hours of the day and night, essentially being a 24-hour towing operation. Regarding the number of employees, there are six employees total; he stated five full-time and one part-time.

There is sufficient parking for the site and there is already a special use permit on file and still valid for the existing barbed wire fencing. Disposal of any accumulation of engine fluids is conducted by a third-party disposal company, per the applicant.

WHEREAS, no Special Use Permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of this Board that:

1. Access to the site and size of the site appear to be adequate for the proposed use. The parcel consists of approximately 1.24 acres, is zoned General Industrial, and has enough parking to support both employees and the storage yard. The storage yard is asphalt-topped and completely fenced in. All adjoining parcels are also zoned General Industrial; however, there is a residence to the south of the site and additional residences across Lee Road to the west.
2. The proposed use will not adversely affect the orderly a pattern of development in the area. The property in the past, when Mr. Inzinga was housed there, was kept in excellent condition, in terms of maintenance and landscaping, making the facility a valuable asset to the area.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents. As previously stated, these uses will have little or no impact to the area.
4. The proposed use will not create a hazard to health, safety or general welfare. The site as previously used will include the same uses as proposed and the applicant shall adhere to whatever standards are required for removal of chemicals, etc. Additionally, as per staff, there is no past history of complaints on this property regarding code enforcement issues.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. It was noted on the site plan that the site has three separate entrance and exit points, the main entrance being off Lee Road; additional entrances are on Hurd Avenue and Porter Avenue.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

NOW, THEREFORE,

BOARD OF ZONING APPEALS MINUTES  
APRIL 6, 2010

At this time I am going to move for approval of this application with the four following conditions:

1. That the parcel is used for the uses as described in the application, which are motor vehicle repair shop/towing facility.
2. There shall be no sales of new or used motor vehicles permitted on this site.
3. The area in which cars are to be stored shall be screened from public view.
4. The applicant shall adhere to the requirements of the Planning Department with regard to the approval of a Minor Improvement Plan.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Christodaro</b>	<b>Absent</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Mr. Murphy</b>	<b>Yes</b>
	<b>Mr. Riley</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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BOARD OF ZONING APPEALS MINUTES  
APRIL 6, 2010

**APPROVAL OF MINUTES**

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

**Due to Board members being absent at previous meetings, we were unable to approve any minutes. Minutes will be approved when more members are present.**

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BOARD OF ZONING APPEALS MINUTES  
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**ADJOURNMENT**

The meeting was adjourned at 8:10 pm.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Dated:** \_\_\_\_\_  
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Apr 6 10.doc